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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,246	08/20/2003	Gary Hochman	0813-017P/JAB	6059

22831 7590 03/06/2008  
SCHWEITZER CORNMAN GROSS & BONDELL LLP  
292 MADISON AVENUE - 19th FLOOR  
NEW YORK, NY 10017

EXAMINER
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EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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03/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/644,246	Applicant(s) HOCHMAN, GARY	
	Examiner Saeid Ebrahimi-dehKordy	Art Unit 2625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bloomfield (Pub. No.: US 20050012965)

**Regarding claim 1, 10** Bloomfield discloses: A method for the transmission of image data from a sender to a recipient; comprising the steps of: inserting at the location of the sender into a data transmission including an image format portion data identifying the address of the intended recipient of the image-format portion of the transmission and message tracking data (note Figs.4&5, page 5, paragraphs 0042-0044, and specifically paragraph 0042, lines 26-36, wherein the sender inserts the sender's address along with the email address of the recipient and at the same time to code is added for tracking the job and reporting errors) transmitting the data transmission over a transmission system from the sender's location to an intermediate point of presence facility (note Fig.11C, page 10&11, paragraph 0069, lines, and specifically lines 16-56, wherein the fax data stored is the server 110 would be attached and sent to the email server) and

receiving the data transmission by the point of presence facility and re-transmitting the data comprising the image portion to the identified address of the recipient (note page 11, paragraphs 0070-0072).

**Regarding claim 2** Bloomfield discloses: The method of claim 1 wherein the message tracking data inserted comprises at least one of accounting, audit and documentation data (note abstract, lines 16-19, also note page 7, paragraph 0056).

**Regarding claim 3** Bloomfield discloses: The method of claim 2 further including the step of processing the message tracking data by the point of presence facility (note page 7, paragraph 0056).

**Regarding claim 4** Bloomfield discloses: The method of claim 3 including the further step of stripping the message tracking data from the data transmission at the point of presence facility before retransmission (note page 10, paragraph 0069, lines 16-40).

**Regarding claim 5** Bloomfield discloses: The method of claim 1 further including the steps of: inserting at the location of the sender into the data transmission data identifying an address of the sender; and sending a confirmation message to the sender's address by the point of presence facility after re-transmitting the data comprising the image portion to the recipient's identified address (note Figs. 11C&12, where the transmitted data is retransmitted to the recipient).

**Regarding claim 6** Bloomfield discloses: The method of claim 1, wherein the address of the recipient is an e- mail address and the step of re-transmitting the data includes forwarding the data in the form of an e-mail attachment to the recipient's e-mail address (note Fig. 11C, page 10&11, paragraph 0069, lines, and specifically lines 16-56, wherein the fax data stored is the server 110 would be attached and sent to the email server, also note page 11, paragraphs 0070-

0072).

**Regarding claim 7** Bloomfield discloses: The method of claim 4, wherein the address of the recipient is an e-mail address and the step of re-transmitting the data includes forwarding the data in the form of an e-mail attachment to the recipient's e-mail address (note Figs.4&5, page 5, paragraph 0042-0044).

**Regarding claim 8** Bloomfield discloses: The method of claim 6, wherein the address of the sender is an e-mail address and the step of sending a confirmation message includes forwarding an e-mail message to the sender's e-mail address (note page 11, paragraphs 0070-0072).

**Regarding claim 9** Bloomfield discloses: The method of claim 1 further including the steps of: generating a confirmation message by the point of presence facility after re- transmitting the data comprising the image portion to the recipient's identified address; and allowing the sender access to the confirmation message (note page 4, paragraph 0037, lines 5-16).

**Regarding claim 11** Bloomfield discloses: The method of claim 10 wherein the identified address of the recipient is a telephone number associated with a facsimile reception apparatus and said re- transmission includes a portion over a telephone line linked to the facsimile reception apparatus (note pages 2&3, paragraphs 0029-0034).

**Regarding claim 12** Bloomfield discloses: The method of claim 10 wherein the transmission from the sender to the point of presence facility is in the form of an e-mail transmission (note page 5, paragraphs 0042-0043).

**Regarding claim 13** Bloomfield discloses: The method of claim 1 wherein the step of transmitting the data transmission over a telephone system from the sender's location to an intermediate point of presence facility include converting the image data to facsimile format and

transmitting the image data in the facsimile format (note page 10, paragraph 0069).

**Regarding claim 14** Bloomfield discloses: The method of claim 10 wherein the message tracking data inserted comprises at least one of accounting, audit and documentation data (note abstract, lines 16-19, also note page 7, paragraph 0056).

#### **CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeid Ebrahimi-dehKordy whose telephone number is 571-272-7462. The examiner can normally be reached on Mon-Fri, 8:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

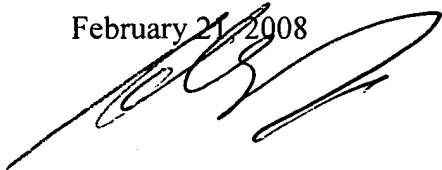
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Saeid Ebrahimi  
Patent Examiner  
Group Art Unit 2625

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February 21, 2008

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